

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHERYL HARDING and MILTON CYNTJE,

2007 CIV 8344 (SAS)

Plaintiff,

**RULE 34
DEMAND FOR
PRODUCTION**

-against-

THE AUTOMOBILE INSURANCE COMPANY
OF HARTFORD, CONNECTICUT,

Defendant.

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Defendant, THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD, CONNECTICUT, hereinafter referred to as "AICHC", by its attorneys, SPEYER & PERLBERG, LLP, 115 Broadhollow Road, Suite 250, Melville, New York 11747, submits to Plaintiffs the following demands which are to be answered in accordance with the procedures specified by Rule 34 of the Federal Rules of Civil Procedure. Unless otherwise indicated, all information is requested as of the date of the answers to these demands.

These demands shall be deemed continuing, so as to require supplemental answers if Plaintiffs obtain further information between the time answers to the within demands are served and the time of trial.

INTRODUCTION AND DEFINITIONS

A. These demands are for the purpose of discovery only. We do not hereby waive any objections to the production of evidence at trial on subjects covered by these demands.

B. These demands seek answers as of the date hereof but shall be deemed to be continuing so that any additional information relating in any way to these demands which you acquire or which becomes known up to and including the time of trial shall be furnished promptly after such information is acquired or becomes known.

C. Possession by a person includes the possession, custody or control by the person and also by his or her agents, officers, employees, representatives, consultants, accountants and attorneys, and any predecessors, subsidiaries, controlled and affiliated companies, and their agents, officers, employees, representatives and attorneys, to the fullest extent the context permits.

D. Property. The term "Property" refers to the premises located at 2421 Buck Street, Bronx, New York.

E. AICHC and Defendant. The terms "AICHC" and "Defendant" refer to the Defendant, THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD, CONNECTICUT, and its officers, employees, representatives and agents.

F. SHERYL HARDING and MILTON CYNTJE and Plaintiffs. The terms "HARDING", "CYNTJE" and "Plaintiff" refer to the Plaintiffs and their officers, employees, representatives and agents.

G. Loss. The term "Loss" refers to alleged damage occurring to the property on or about September 5, 2006, as alleged in Plaintiffs' Complaint.

Pursuant to Local Civil Rule 26.3, the following definitions apply to the within discovery requests.

H. Communication. The term “communication means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

I. Document. The term “document” is defined to be synonymous in meaning and equal scope to the usage of the term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

J. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

K. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

L. Parties. The terms “Plaintiff” and “Defendant” as well as a party’s full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

M. Person. The term "person" is defined as any natural person or any business, legal or governmental entity or association.

N. Concerning. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

O. The following rules of construction apply to all discovery requests:

- (1) All/Each. The terms "all" and "each" shall be construed as all and each.
- (2) And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these discovery request all responses that might otherwise be construed to be outside of its scope.
- (3) Number. The use of the singular form of any word includes the plural and vice versa.

DEMANDS

1. All appraisal reports and/or valuation reports regarding the Property in Plaintiffs' possession.
2. Contracts, estimates, invoices, receipts, cancelled checks, bank statements and other proofs of payment reflecting repairs made to the Property from the date of Loss to date.
3. Receipts and proofs of payment pertaining to rents received for rental units in the Property for the period of December 10, 2004 to date.
4. Documents reflecting communications between Plaintiff and AICHC or any insurance agent or broker with regard to the issuance, changes to, or continuation of the insurance policy sued upon for the period beginning September 5, 2004 through September 5, 2006.

5. Reports, correspondence, memoranda and other documents regarding the damages alleged in the complaint.
6. Receipts, estimates, invoices, bills and all other memoranda reflecting the computation of and method used to compute damages of "at least the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars" as alleged in the complaint.
7. Tax returns and income statements filed by the Plaintiffs for the 2006 tax year.
8. Plaintiffs' voter registration cards in effect on November 18, 2004 and September 5, 2006.
9. Plaintiffs' drivers' licenses in effect on November 18, 2004 and September 5, 2006.
10. Plaintiffs' passports in effect on November 18, 2004 and September 5, 2006.
11. Deeds, lease or other documents that identify the premises at which plaintiffs' resided on or about the period from November 18, 2004 through September 5, 2006.

Dated: Melville, NY
January 18, 2008

Yours, etc.
SPEYER & PERLBERG, LLP

By: 

Marie E. Garelle (MG-1217)
Attorneys for Defendant
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(631) 673-6670
Our File No.: 06-0174

TO: WILKOFISKY, FRIEDMAN, KAREL
& CUMMINS
Attorneys for Plaintiffs
299 Broadway, Suite 1700
New York, NY 10007
(212) 285-0510

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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

ROSALIE SCHREIBER, being duly sworn deposes and says:

That deponent is not a party to this action, is over eighteen (18) years of age and resides in East Rockaway, New York 11518.

That on the 18th day of January, 2008, deponent served the within **RULE 34 DEMAND FOR PRODUCTION** upon:

WILKOFISKY, FRIEDMAN, KAREL & CUMMINS
Attorneys for Plaintiffs
299 Broadway, Suite 1700
New York, New York 10007

the addresses designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



ROSALIE SCHREIBER

Sworn to before me this
18th day of January, 2008



NOTARY PUBLIC

Marie E. Garelle
Notary Public - New York State
No. 02GA6077032
Qualified in Suffolk County
My Comm. Expires 7/01/2010

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